

## Remarks

Claims 16, 18-20, 23-26, 29, 31, and 33-35 are now pending in this application. Applicants amended claims 16, 18-20, 23, 25, 31, and 33-35 and cancelled claims 17, 21, 22, 27, 28, 30, 32, and 36-38 to clarify the claimed invention. Applicants respectfully request favorable reconsideration of this application.

Applicants have amended claim 16 to recite a well plate, which is described in the specification at page 6, lines 35-36, and illustrated in Figs. 4 and 7.

The Examiner rejected claims 16-26 and 29-38 under 35 U.S.C. § 102(b) as being unpatentable over WO 02/072423 to McNeely et al. The Examiner rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over McNeely et al. in view of U.S. patent 4,968,625 to Smith et al.

McNeely et al. does not suggest the invention recited in claim 16 since, among other things, McNeely et al. does not suggest separate caps for wells in a well plate. McNeely et al. also does not suggest caps that include integrated inlet passage and outlet passages. Rather, McNeely et al. suggests a microplate lid intended to cover an entire microplate (well plate) at one time. This represents a very traditional structure for closing a microplate with a single lid. One drawback of this kind of single lid is that one well cannot be opened separately, but all wells must be opened at one time, which may disturb the process in all wells.

If each well under the lid were to be fed separately with a separate nutrient, the lid would require multiple inlet ports for nutrient and a complicated construction for connecting a particular protrusion and corresponding well to a particular inlet port.

Additionally, the lid structure suggested by McNeely et al. does not allow inspection of the wells visually or by optical devices through the lid. McNeely et al. does not suggest such inspection. On the other hand, as recited in amended independent claims 16 and 27, the cap is transparent in the depth direction of the well.

Although McNeely et al. may suggest protrusions that are designed to cooperate with one well of the well plate. Although the protrusions isolate each well from the surroundings, this is done to seal the wells and reduce the air space into which the evaporation may occur from the sample, as stated at page 3, lines 21-23; and page 4, lines 16-19.

In view of the above, it is apparent that separate caps designed to close wells of a well plate independently from each other represents notable progress in the field. The separate caps make possible use of a microplate (well-plate) that is much more flexible than previously known. Also, the individual caps add the possibility of visual inspection of each individual well. Furthermore, the individual caps can each be provided with a nutrient feed. Individual nutrient feeds may, for example, permit the conducting of a comparative test. Also, the individual caps can be opened without disturbing the conditions in the other wells of the same apparatus.

In view of the above, McNeely et al. does not suggest the invention recited in claims 16-

26 and 29-38. Therefore, the invention recited in claims 16-26 and 29-38 is not obvious in view of McNeely et al. Consequently, Applicants respectfully request withdrawal of this rejection.

The combination of McNeely et al. and Smith et al. does not suggest the invention recited in claims 27 and 28 since, among other things, the combination does not suggest separate caps that contain an inlet passage and an outlet passage as their integral parts. As discussed above, McNeely et al. does not suggest such aspects of the invention. The Examiner cites Smith et al. as suggesting a transparent plastic. Even if the lid suggested by McNeely et al. were made of a transparent plastic, it would still cover an entire microplate, or well plate, at one time. Additionally, the plastic suggested by Smith et al. does not suggest integrated inlet passage and outlet passages.

Smith et al. suggests a centrifugation vial and a cluster tray. Additionally, Smith et al. suggests a different cap structure than the present invention. Smith et al. does not suggest an insert part that includes a lower surface on which an inlet passage and outlet passage can open. Furthermore, Smith et al. suggests a structure is designed for centrifugation of vials. The structural solutions suggested by Smith et al. relate to centrifugation, not for feeding and withdrawing matter to and from closed spaces during culture with a structure that includes separate caps. Smith et al. also does not suggest a structure that permits monitoring spaces through the separate transparent caps.

In view of the above, the combination of McNeely et al. and Smith et al. does not suggest the invention recited in claims 27 and 28. Therefore, the invention recited in claims 27 and 28 is

not obvious in view of the combination of McNeely et al. and Smith et al. Consequently, Applicants respectfully request withdrawal of this rejection.

In view of the above, the references relied upon in the office action do not suggest patentable features of the claimed invention. Therefore, the references relied upon in the office action do not make the claimed invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejections based upon the cited references.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: April 30, 2009

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